

Minutes – January 14, 2016

The following members of the Board were present at the County Commissioners' Meeting Room, Charles County Government Building, for a regular hearing of the Board of License Commissioners: Pamela Smith, Chairman, William B. Young, Vice Chairman, Guy N. Black, Thomasina Coates, and Steve Lowe were present. Also appearing in support of the Board were M/Cpl. Judith Thompson, Alcohol Enforcement Coordinator; Inspector Greg Kiesel, Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary.

1. Upon a motion made, duly seconded and unanimously carried, the following temporary alcoholic beverage license applications were approved:

La Plata Volunteer Fire Department, Inc., by Lynn Gilroy, for two (2) 1-day temporary alcoholic beverage licenses to sell/serve BWL on January 30, 2016 and February 27, 2016, from 7 p.m. to 2 a.m., inside the La Plata VFD Activity Hall for Texas Hold'em fundraisers with approx.. 100 people expected to attend each event.

College of Southern Maryland, by Shaunda Holt, for two (2) 1-day temporary alcoholic beverage licenses to sell/serve BWL on February 11, 2016 and March 18, 2016, from 6-9 p.m. inside Custom Kitchens and Baths, La Plata, MD, for cooking classes with approx. 14 people expected to attend each event.

Benedict Volunteer Fire Department & Rescue Squad, and Auxiliary, by: Holly Newman, for two (2) 1-day temporary alcoholic beverage license to sell/serve Beer Only inside the Fire Department: on February 20, 2016 from Noon to 11 p.m. for a Corn Hole Tournament fundraiser with approx. 50 people expected to attend; and, on March 19, 2016 from 4-11:30 p.m. inside the Fire Department for a Texas Hold'em fundraiser with approx.. 100 people expected to attend.

Indian Head Center for the Arts, Inc., by Kerry Doss, for two (2) 1-day temporary alcoholic beverage licenses to sell/serve BWL on February 13, 2016 and on March 18, 2016, from 6pm to Midnight, inside the theatre for a fundraiser (comedy show) with approx. 65 people expected to attend each event.

2. Katherine Michelle Wilcox, Sugar Lips, LLC, t/a Grille No. 13, 173 St. Patrick's Drive, Suite 106, Waldorf, Maryland 20603, appeared along with Clarence Pierce, III, to expand her licensed premises for a 1-day Outside Special Exception to sell/serve alcoholic beverages in a defined outside area for a St. Patrick's Day event. The licensee presented testimony in regard to the proposed event, including alcohol sales and consumption details, definition of outside area, parking, and safety issues. Upon consideration of the written request and testimony presented, the Board unanimously approved the event contingent upon the licensee presenting a new diagram, and complying with all permits and inspections required by the County & State, including but not limited to a Temporary Use Permit. (The clerk was later advised by the licensee that she was withdrawing her application and would not be hosting the outside event this year.)

3. The clerk called Gregory A. McGowan, Jr., Garry L. Little, Jr., The Social@228, LLC, t/a The Social@228, 9425 Berry Road, Waldorf, Maryland 20603, for a new Class B/N (Nightclub) Beer, Wine & Liquor (on sale only) alcoholic beverage license. This application was withdrawn, with the notification that the applicant intends to re-file for a Class B/RB (Restaurant/Bar) alcoholic beverage license, with a proposed outside service area, for the February hearing date. The Board questioned the details with regard to previous consent orders for open air special exceptions, and directed the Clerk to research the minutes and report back to the Board in this matter.

4. The clerk called the Show Cause in the matter of the Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Cherry Ann Mitchell Stackhouse, The Greene Turtle La Plata LLC, t/a The Greene Turtle, 6 St. Mary's Avenue, La Plata, Maryland 20646. Counsel to the licensee, Hammad Matin, previously entered his appearance and was granted a continuance to the February 11 hearing date.

5. The clerk called the Show Cause in the matter of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Song S. Kim, INCO, Inc., t/a Hardesty's Inn, 12190 Crain Highway, Newburg, Maryland 20664. Counsel to the licensee, Hammad Matin, previously entered his appearance and was granted a continuance to the February 11 hearing date.

6. The clerk provided the Board with the following Legislative Review:

~ Westlake Advocates proposal to increase distance to 1,000 ft., FROM PROPERTY LINE TO PROPERTY LINE, for ALL classes of alcoholic beverage licenses AND PERMITS, while Grand-fathering existing licenses. The County Commissioners requested that the Board provide the Delegation with their position. The Board reviewed the following documents, and testimony related thereto:

- 12/15/15 ltr from Westlake Advocates
- Chapt. 95, 2014 Session
- Background, February 7, 2014 memo from M/Cpl. JThompson; along with maps depicting current licensees.

Upon discussion and consideration of the testimony and evidence provided, and upon a motion duly made, seconded and unanimously carried, the Board reiterated their previous position in opposition to the proposed legislation. (Thereafter, Delegate Jameson wrote to the Westlake Advocates that the Delegation would not support this legislative proposal.)

~ Amendment to BOLC Rules and Regulations regarding Rule 2.114 – Conduct and Order of Presentation – Show Cause Hearings. Upon a motion duly made, seconded and unanimously carried, the Board approved an amendment to Rule 2.114 of the Charles County Rules and Regulations, as follows:

Rule 2.114 - Conduct and Order of Presentation - ~~in License Suspension and Revocation~~ SHOW CAUSE Hearings

(A) Show Cause Orders.

(1) IF YOU ARE CONTESTING THE CHARGE OR CHARGES SET OUT IN A SHOW CAUSE ORDER, YOU MUST NOTIFY THE CLERK TO THE BOARD OF LICENSE COMMISSIONERS IN WRITING PRIOR TO THE HEARING AND THE MATTER WILL BE AUTOMATICALLY CONTINUED UNTIL THE NEXT AVAILABLE HEARING DATE.

HOWEVER, IF YOU ADMIT THAT THE VIOLATION(S) ALLEGED IN A SHOW CAUSE ORDER DID OCCUR AND YOU ARE NOT CONTESTING THE CASE AND ARE AGREEABLE TO A SUSPENSION, AND/OR A MONETARY FINE, AND/OR A REVOCATION, THEN THE LICENSEE(S) NEED ONLY TO APPEAR IN PERSON ON THE DATE SCHEDULED.

(2) WITHIN 10 BUSINESS DAYS OF SERVICE OF A SHOW CAUSE ORDER UPON AN ALCOHOLIC BEVERAGE LICENSEE(S), SAID LICENSEE(S) MAY VOLUNTARILY SURRENDER AN ALCOHOLIC BEVERAGE LICENSE TO THE CLERK TO THE BOARD OF LICENSE COMMISSIONERS. UPON SAID SURRENDER, THE BOARD OF LICENSE COMMISSIONERS SHALL DISMISS THE SHOW CAUSE ORDER. HOWEVER, EVIDENCE OBTAINED IN SUPPORT OF THE SHOW CAUSE ORDER MAY BE UTILIZED IN ANY FUTURE APPLICATIONS BEFORE THE BOARD OF LICENSE COMMISSIONERS.

(3) AFTER 10 BUSINESS DAYS OF SERVICE OF THE SHOW CAUSE ORDER UPON THE LICENSEE(S), AND UPON THE VOLUNTARY SURRENDER OF AN ALCOHOLIC BEVERAGE LICENSE, THE BOARD OF LICENSE COMMISSIONERS MAY DECIDE WHETHER TO DISMISS THE SHOW CAUSE ORDER. IF THE BOARD OF LICENSE COMMISSIONERS HOLDS A HEARING REGARDING THE SHOW CAUSE ORDER DESPITE THE VOLUNTARY SURRENDER OF THE LICENSE, THE BOARD OF LICENSE COMMISSIONERS MAY STILL IMPOSE A SUSPENSION, A MONETARY FINE, AND/OR A REVOCATION OF THE LICENSE.

7. The clerk shared correspondence from Aqualand Marina Ships Store advising that they were closed for Season beginning December 11, 2015 continuing through March 1, 2016.

8. The clerk shared correspondence from Ray's Pier advising that they were closed from December 22, 2015 continuing through January 6, 2016.

9. M/Cpl. Judith Thompson advised that six compliance checks were conducted since the last hearing, and offered their congratulations to the following three establishments having passed:

- ~ El Dorado Restaurant, La Plata (Recheck)
- ~ Drive-In Liquors, Faulkner (Drive-In check - Recheck)

~ Ironsides Store, Ironsides (Recheck)

10. Upon a motion duly made, seconded and unanimously carried, the Board approved the December 10, 2015 Minutes.

With no further business the meeting adjourned at 11:10 a.m.